IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.9852 of 1997

Between:

1 G.Edukondalu S/o.G.Venkaiah, 29 years,
R/o.Vakadu, Nellore.
2 K.B.Krishna, 45 years,
R/o.Vakadu, Nellore.

...PETITIONERS

AND

1. The Depot Manager, APSRTC, Vakadu Depot, Nellore.
2. The Regional Manager, APSRTC, Nellore Region, Nellore.
3. The Managing Director/Vice-Chairman, APSRTC, Musheerabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly in the nature of writ of mandamus, by directing the respondents to permanently convert the posts of the petitioners from Conductor and Driver to Typist and ADC, respectively in view of their long and meritorious service, from the date of utilization of their service as Typist and ADC and consequently direct the respondents to pay the petitioners the scale applicable to the Typist and ADC and also the differential amounts of pay in the interest of justice.

Counsel for the Petitioners: MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondents: MR.R.MANMADHA REDDY,

(SC FOR APSRTC)

MR.VENKATESWARLU POSANI

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.9852 of 1997

ORDER:

Heard both sides.

The petitioners, who claim to be working as Assistant Depot Clerks (ADC), filed the present Writ Petition *inter alia* seeking a Writ of Mandamus for a direction to convert the said post into a regular Conductor, Driver, Typist and ADC posts respectively, having regard to the long and meritorious service put up by them.

The case of the petitioners in brief is that they were initially appointed as casual Conductor and Driver and yet, the respondents are extracting work from the petitioners in various capacities as Conductor, Driver and also as ADO. Since they have put up such a long period of service and the same being a meritorious one, there is no reason as to why they should not be given permanent posting in the very same post. Hence, they filed the present Writ Petition.

This Court has initially given an interim direction on 13.05.1997 to continue the

petitioners as Typist and ADC. Even though an application was filed to vacate the same, the interim orders were made absolute on 22.02.2000. Since the year 1997 onwards, the petitioners were successfully continuing as Typist and ADC.

Sri R.Manmadha Reddy, learned standing counsel appearing on behalf of the respondents, who filed a counter-affidavit on behalf of the respondents, sought to deny the entitlement of the petitioners' claim for the said posts. Further, it is the case of the respondents that the petitioners having appointed as casual employees and mere posting them as Conductor, Driver or ADC, would not create any rights as such. In the circumstances, it is stated that there are absolutely no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

Considering the submissions made on either sides and also on perusal of the material, there is no dispute of the fact that the petitioners were initially appointed as casual employees and subsequently their services were taken in various capacities like Conductor, Driver and also ADC and having regard to the interim orders granted in the year 1997, they were being continued in the very same post to which they were posted. Though the petitioners' initial appointment is casual, there is no valid reason forthcoming on behalf of the respondents as to why they were posted in the higher posts and their services were extracted without properly considering their entitlement to the said post and also regular postings. It is not known as to whether

the petitioners are fully qualified as per the regulations of the respondents to such of its posts to which now they are to be considered afresh by the respondents, having regard to the long service put up by the respondents.

In the circumstances, the Writ Petition is accordingly disposed of directing the respondents to consider the case of the petitioners, more in a pragmatic manner in regard to the entitlement to any of the posts, subject to the qualifications as required under the regulations and pass orders in accordance with law.

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(B.PRAKASH RAO, J)

14th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Depot Manager, APSRTC, Vakadu Depot, Nellore.
2. The Regional Manager, APSRTC, Nellore Region, Nellore.
3. The Managing Director/Vice-Chairman, APSRTC, Musheerabad, Hyderabad.
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